

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL L. CAIRNS,

Plaintiff,

vs.

JAMES KOZEL,

Defendant.

8:20CV162

**MEMORANDUM
AND ORDER**

Plaintiff has filed an “affidavit” (filing 23), which the court liberally construes as a motion for appointment of counsel. The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel.” Trial courts have “broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff’s ability to investigate the facts and present his claim.” *Id.* No such benefit is apparent at this time. Accordingly,

IT IS ORDERED that Plaintiff’s motion for appointment of counsel (filing 23) is denied without prejudice.

Dated this 19th day of January, 2021.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge